

Sec. 30-28. Definitions.

Alley: An open way that affords a service (i.e. garbage collection, delivery, mail) means of access to an abutting property, but is not maintained by any local, state or federal government.

Channel: Means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Cluster subdivision: An alternative means of subdividing land that concentrates building density in specific areas to allow the remaining land to be reserved for the preservation of environmentally-sensitive features and open space.

Conservation areas: Areas within the one hundred-year floodplain; areas with steep slopes; lands within designated Blue Ridge Parkway view sheds identified and mapped in the Community Plan, as amended; greenway corridors shown on the Greenway Conceptual Plan, as amended; watercourses, intermittent and perennial streams, channels, jurisdictional wetlands and state waters; vegetation of specimen quality, historic designation or cultural value; locations of species listed as endangered, threatened or of special concern; historic structures and sites; riparian zones outside the FEMA study area; productive agricultural and forested lands; and other features currently preserved including existing preservation or conservation easements.

Intermittent Stream: Means a stream channel or reach of a stream channel that carries surface water runoff flow for only part of the year, typically during winter and spring when the channel bottom is below the groundwater table and which flow may be heavily supplemented by stormwater runoff.

Jurisdictional Wetland: Means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Lot, conservation: A lot that has been dedicated to a land trust, homeowners, condominium, or similar association, government agency or other entity through an easement or other transfer of ownership, and set aside in perpetuity as open space in a cluster subdivision.

Open space: Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may include, recreation centers, swimming pools, tennis and basketball courts, community gardens, and similar facilities.

Open space, common: Land within or related to a development, not individually owned or dedicated for public use, which is intended for the common use or enjoyment of the

residents of the development and may include such complimentary structures as are necessary and appropriate. Open space may include, recreation centers, swimming pools, tennis and basketball courts, community gardens, and similar facilities.

Perennial Stream: Means a stream channel or reach of a stream channel that carries surface water runoff year round, and that has a channel bottom that is located below the groundwater table for most of the year.

Property resource map: A map utilized in the cluster subdivision process that depicts the conservation areas and other open space areas of the subject property.

Riparian Zone: Area adjacent to rivers and streams with a variety of plant and animal species relative to nearby uplands.

Single family dwelling, attached: Two (2) single family dwellings sharing a common wall area, each on its own individual lot.

Single family dwelling, detached: A single family dwelling which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.

Species of Special Concern: Native Virginia plant and animal species with limited habitats and/or limited numbers in the state. Such species are at risk of being listed as threatened and might be in need of conservation action due to a decline in population.

State Waters: means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Steep Slopes: Areas with slopes greater than 3:1 (horizontal:vertical) or 33.3 percent, and greater than or equal to 25 vertical feet in height.

Townhouse: A grouping of three (3) or more attached single family dwellings in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

Two family dwelling: The use of an individual lot for two (2) dwelling units which share at least one common wall, each occupied by one family.

Watercourse: Means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Sec. 30-82-13.1. Single Family Dwelling, Detached and Attached; Two-Family and Townhouse
(Cluster Subdivision Option).

(A) *Intent.*

1. Establish a method for the county to protect vital natural and historic resources from development and permanent loss.
2. Prevent the destruction of valuable view sheds, ridgetops and wildlife corridors, including but not limited to, the Blue Ridge Parkway and Appalachian Trail, and other resources identified in the Community Plan, as amended.
3. Reserve, enhance, and add to the existing and proposed greenway system throughout the county, as identified in the Community Plan, as amended.
4. Provide the citizens of the county additional open space and recreation areas.
5. Encourage the design of creative, innovative developments that utilize the land's natural resources and features and incorporates them into functional preservation and development plans.
6. Offer an alternative to conventional subdivision development by allowing for compact clusters of housing units rather than spaced lots that encompass the entire property.

(B) *Applicability.*

1. Cluster subdivisions proposed in accordance with the standards contained herein shall be a permitted use by-right in R-1, R-2, R-3 and R-4 zoning districts, except that cluster subdivisions shall not be permitted within planned residential subdivisions as defined in section 30-28 of the Roanoke County Zoning Ordinance.
2. The zoning administrator shall have the responsibility for determining compliance with these standards. Proposals for cluster subdivisions that, in the opinion of the zoning administrator, do not meet one (1) or more of the standards contained herein shall not be permitted by-right. Any such proposal shall be considered a special use and shall require a special use permit pursuant to section 30-19 of the Roanoke County Zoning Ordinance. As part of the review of any special use permit application for a cluster subdivision, the planning commission may recommend, and the board of supervisors may approve, but shall not be obligated to approve, a waiver to any cluster subdivision standard contained in section 30-82-13.1(C) through 30-82-13.1(H) inclusive.

(C) *General standards.*

1. Minimum tract size of the cluster subdivision: Three (3) acres.
2. Public water and public sewer shall be provided to each building lot within the proposed subdivision.
3. Property shall be excluded from the cluster subdivision option where, in the opinion of the zoning administrator, previous land disturbing activities have significantly altered a conservation area, to the extent that important features worthy of conservation have been destroyed or severely modified.

4. Allowable density: Five and one-half (5.5) dwelling units per acre or the maximum density permitted by the zoning district.
5. Residential Uses: As permitted by the zoning district except that multifamily dwellings shall not be permitted. Except as provided in this section, residential uses shall comply with Section 30-82 of the Roanoke County Zoning Ordinance.

(D) *Minimum lot, setback and frontage requirements.*

1. Property may be subdivided without respect to the minimum lot area required by the Roanoke County Zoning Ordinance in order to cluster development. The purpose of such an option is to preserve significant natural features on the parcel of land to be subdivided, and to provide for more greenways, open space, and recreation areas in a subdivision, while at the same time maintaining the overall density in a particular zoning district.
2. There shall be no minimum setback requirements within the cluster development and along new public streets planned within the proposed cluster development, however, setbacks shall be established and maintained for each lot and shall be shown on the final plat. The normal front, rear, and side yard setback requirements for the zoning district must be maintained adjacent to any lot or existing public street right of way not within the proposed cluster development.
3. Residential lots within a cluster subdivision adjacent to an existing publicly dedicated and maintained street shall have public street frontage. Minimum existing public street frontage shall be as follows:

Residential Use	Minimum Existing Public Street Frontage per Lot
Single Family Dwelling, Detached	48 feet
Single Family Dwelling, Attached	48 feet
Two Family	48 feet
Townhouse	14 feet

Street frontage shall not be required for newly created public or private streets within the cluster subdivision.

(E) *Open space and conservation area requirements.*

1. Minimum common open space and open space: Forty-five (45) percent of the gross acreage of the tract. If the gross acreage of the tract is comprised of conservation areas equaling or exceeding fifty (50) percent, no more than fifty (50) percent of the gross acreage of the tract shall be conserved as conservation areas. Notwithstanding the above, if the gross acreage of the tract is comprised of conservation areas exceeding fifty (50) percent, greater than fifty (50) percent of the gross acreage of the tract may be preserved as conservation areas.
2. To the greatest degree practicable, common open space and open space areas shall be designed in large blocks and connected wherever possible. Fifty (50) percent or greater of the planned open space shall be designed as a single block. The remaining planned open space shall meet the following requirements:
 - a. Minimum countable open space: 5,000 contiguous square feet

- b. Minimum horizontal dimension: 50 feet, except that areas with a horizontal distance of not less than 20 feet shall be counted as open space provided such areas contain facilities such as, but not limited to, bikeways, exercise trails, tot lots, gazebos, picnic tables, etc.
- 3. A sidewalk or trail shall be provided to and through the provided common open space, open space or conservation areas except for the following areas:
 - a. Environmentally sensitive areas that may include locations of species listed as endangered, threatened or of special concern; historic structures and sites; delineated wetlands or riparian zones outside the FEMA study area;
 - b. Unsafe areas including but not limited to sink holes, cliffs and areas prone to rock slides; and
 - c. Other areas as determined by the Zoning Administrator.

The location of any such trail shall be clearly marked, and the trail shall be constructed of a surface material that is appropriate to the terrain, and distinguishable to the user.

- 4. Sidewalks measuring at least four (4) feet wide may be constructed to Roanoke County standards in the public or private road right-of-way along one or both sides of public or private streets and may be counted as open space. The final subdivision plat shall contain notations and covenants shall certify that ownership and maintenance of the private sidewalks shall be the responsibility of the Homeowners Association.
- 5. Ownership and maintenance of common open space, open space and conservation areas shall be one of the following:
 - a. Common land owned in perpetuity by the owners of lots in the development, through a homeowners, condominium or similar association. Provisions for the maintenance of the open space in perpetuity shall be approved by the zoning administrator in conjunction with plat approval.
 - b. Dedication of the land in perpetuity to a nonprofit organization or land trust through a conservation easement or fee simple conveyance.
 - c. Public land after dedication to, acceptance and maintenance by the county board of supervisors or other governmental entity for recreational, conservation, historic or other open space purposes.
 - d. Open space or conservation areas privately owned and maintained shall be allowed in order to preserve those attributes that qualify as open space or conservation areas. Deed restrictions and/or covenants shall encumber the property to prohibit further subdivision, development, or any other use of the open space. The following uses may be permitted in privately owned open space or conservation areas:
 - 1. Agricultural uses in existence prior to application for a cluster subdivision as determined by the Zoning Administrator; and
 - 2. Forested areas.
- 6. Conservation lots may be created in compliance with the terms of this ordinance and the Roanoke County Subdivision Ordinance, notwithstanding the frontage, width, area, and other design standards for lots found in Article

III of this ordinance. Any such lot proposed for platting shall be clearly designated on a subdivision plat reviewed and approved by the county. This plat shall contain notations and covenants that clearly forbid, in perpetuity, the use of the conservation lot for any type of residential dwelling, or other use or structure as prohibited by these provisions.

7. If required open space is located within a mapped greenway corridor, as depicted on the Greenway Conceptual Plan, as amended, at the time of submittal of the preliminary plat, then a greenway easement shall be dedicated to the County or their designated agent. The zoning administrator, in consultation with the Roanoke Valley Greenway Commission, shall determine the exact location and dimensions of the easement to be dedicated.
 8. Historic structures or sites may be included in open space or conservation areas. Historic structures shall be situated on parcels no less than 5,000 square feet in size to be counted as open space or as a conservation area. Historic sites shall also measure a minimum of 5,000 square feet to be counted as open space or as a conservation area. A plan shall be submitted detailing how the historic structure or site will be preserved and maintained in perpetuity. The historic structure or site shall be included in the County Historic Resources Inventory and shall meet one of the following requirements prior to being included in open space or conservation area calculations:
 - a. The historic structure or site shall be listed on the Virginia Landmarks Register and the National Register of Historic Places;
 - b. The historic structure or site shall have been determined to be eligible for listing on the registers cited in a. above by the State Review Board for Historic Preservation; or
 - c. The historic structure or site shall have been officially designated by the board of supervisors as having county or local significance.
 9. No building, building addition, structure, street, driveway, parking area or any other type of physical land improvement shall be located within a required conservation area. Notwithstanding the above, trails and sidewalks may be developed in and historic structures may be located within conservation areas.
- (F) *Street and access requirements.*
1. All public and private streets within the cluster subdivision shall be constructed with curb and gutter and designed in accordance with all applicable Roanoke County standards.
 2. Alleys providing duplicate access to residential lots shall be permitted. Alleys shall be designed in accordance with the Roanoke County Private Roads Standards and shall be owned and maintained by a Homeowners' Association.
 3. Where private streets are provided, the final subdivision plat shall contain notations and covenants certifying that:
 - a. Maintenance of private streets shall be the responsibility of the homeowners association;
 - b. All maintenance of private streets, including snow removal, is not a public responsibility; and

- c. The private street shall not be eligible for acceptance into the state secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of the Virginia Department of Transportation for the addition of subdivision streets current at the time of such request. Any costs required to cause private streets to become eligible for addition into the state system shall be provided with funds other than those administered by the county or the Virginia Department of Transportation.
 4. Private streets shall be designed with vehicle turnarounds in accordance with the Roanoke County Private Roads Standards, as amended.
 5. Roanoke County Public Schools bus service is generally limited to public streets or bus stops located at intersections of public and private streets. For consideration of private street bus service, a written request shall be sent to Roanoke County Public Schools in accordance with the Roanoke County Private Roads Standards, as amended. If the proposed design does not meet standards for school bus service, the final subdivision plat shall contain a notation that the proposed private streets do not meet the standards for public school bus services and that the county school board shall not be obligated to provide service on the private streets.
 6. A representative of the County Department of General Services shall review the design and location of all proposed private streets, and shall advise the applicant whether or not the proposed private streets meet the standards for solid waste collection, prior to plat approval. If the proposal does not meet the county standards for public solid waste collection, the applicant shall have the responsibility for addressing the collection of solid waste on private streets. The final subdivision plat shall contain a notation that the proposed private streets do not meet the standards for public solid waste collection and that the county shall not provide solid waste collection on those private streets.
 7. A representative of the Fire and Rescue Department shall review the design and location of all proposed private streets, and shall advise the applicant whether or not the proposed private streets meet the standards for emergency vehicle access.
- (G) *Public water and sanitary sewer.*
1. Public water and sewer shall be provided for all homes and shall conform with the Western Virginia Water Authority (Authority) Design and Construction Standards, as amended, with the following clarifications:
 - a. Homes may be connected to public water and sewer services by private water and sewer services located on private property, provided:
 1. Water meters and public sewer-service cleanouts shall be located near the public street right of way, within the right of way, or within a 20-foot-wide public water and sewer easement, and,
 2. The layout of public water and sewer services shall be done in a logical and orderly manner, and approved by the Authority.
 - b. For homes on private streets, the following shall apply:

1. Public water and sewer easement(s) shall have a minimum width of 20 feet, shall be provided in conformance with Authority Standards, and shall be separate from other public utility easement(s).
2. Wherever possible, water and sewer mains shall not be located under pavement. If mains must be located under pavement and the street pavement surface is an alternative to asphalt, the Authority must approve, in writing, the location of mains within the paved area.

(H) *Cluster development process.*

1. The applicant shall meet with the zoning administrator or his/her designee to review the requirements for a cluster subdivision prior to the preparation of the preliminary plat. A site visit shall be arranged to review the site and identify approximate locations of conservation areas. The applicant shall then have drawn, preferably by a licensed engineer/surveyor, architect or landscape architect, a property resource map. At a minimum this map shall include the following:
 - a. Total acreage and acreage of conservation areas and other open space areas.
 - b. Percent slope, in the following increments:
 1. Less than fifteen (15) percent
 2. Fifteen (15) to thirty-three (33.3) percent
 3. Greater than thirty-three (33.3) percent
 4. Steep slopes at greater than thirty-three (33.3) percent with a height greater than or equal to 25 vertical feet.
 - c. Floodplains, wetlands, riparian zones outside the FEMA study area, watercourses, channels, jurisdictional wetlands, state waters and intermittent and perennial streams.
 - d. Historic structures and sites.
 - e. Designated Blue Ridge Parkway view sheds identified and mapped in the Community Plan, as amended.
 - f. Greenway corridors mapped on the Greenway Conceptual Plan, as amended.
 - g. Vegetation of specimen quality as determined by a tree survey and vegetation of historic designation or cultural value.
 - h. Location of species listed as endangered, threatened, or of special concern.
 - i. Productive agricultural and forested lands.
 - j. Other features currently preserved including existing preservation or conservation easements.
2. The applicant shall submit a preliminary plat in accordance with the Roanoke County Subdivision Ordinance, as amended. The following additional items shall be required to accompany the preliminary plat:
 - a. All conservation areas and other required open space areas to be designated as permanent open space, shall be mapped and noted on the plat.

- b. All deed restrictions and covenants applicable to private streets, public services, open space, and cluster subdivision lots.
 - c. The location of all building lots to be conveyed.
- 3. Once approval for the preliminary plat has been given, the applicant shall submit the final plat in accordance with the Roanoke County Subdivision Ordinance, as amended.

(Ord. No. 042500-9, § III, 4-25-00)